



## Office of the Conflict of Interest Commissioner

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February 25, 2013

Hon. Michel Samson, MLA  
Richmond  
Richmond Industrial Mall  
P.O. Box 57  
Louisdale, NS B0E 1V0

Dear Hon. Mr. Samson:

Following receipt of your February 21, 2013 letter and our lengthy meeting today during which you provided very complete information relative to the issues raised in your letter and particularly concerning your residence, your claims under the House of Assembly Act, and your present living circumstances, I will deal with the questions you submitted.

The first question is, “Where is my primary residence?” While I do not think I have any jurisdiction under the Conflict of Interest Act to make determinations or hold inquiries in that regard, I am able to say that ever since you were first elected, your annual Disclosure Statements, given under oath, state that your primary residence is located in Arichat.

At our meeting you indicated that your extended family live in the Arichat area and in other parts of Richmond County and you take part in many extended family events as they arise as well as taking part in regular sports events throughout the winter and summer. You are currently, and have been throughout your legislative years, an Associate in the Boudrot Rodgers Law firm located in Cape Breton which services the Richmond County area as part of its regular activities. Further you have indicated to me two very significant additional things in determining your primary residence.

The first is your determined intention to return to the Arichat area to live and work if you should be defeated or resign. The second is the political reality that if you determined Halifax to be your permanent residence, you would lose significant support in the county and give another local candidate a significant edge in any election for obvious reasons.

On all the items we discussed, I accept that you do consider your Arichat property as your home and permanent residence, that you do get back there for many occasions to serve your constituents, attend functions and take part in social activities while you are in Halifax attending to the duties of House Leader, party meetings and the multitude of matters raised by your constituents. Your Arichat home is not rented out and is where you reside when in the area.

I would add that the amount claimed, \$1499 this year, is the maximum allowed and the maximum claimed in previous was the amount allowed under the House of Assembly Act for each of the previous years and there is no evidence whatsoever of any intention to disobey the established rules.

We did discuss your rental of a house in Halifax, the rent and fixed expenses and the amount claimed for reimbursement amounts to approximately one-half of the total costs. As well you made me aware that your wife works in the Halifax area.

Recognizing that some parts of this letter may reach the public, I want to point out my reasons behind my approach.

It is very important to understand that we have, had, and will have, members elected to our Legislature from rural areas. They are required to work in two areas, their constituency and Halifax for Legislature and constituency matters. To do so they must leave their home and area for both short and extended periods of time. Recognizing this the House Rules provide for certain reimbursements to offset the extra costs involved. To be perfectly clear, yes, these reimbursement claims must be honest and made only when warranted. However it is vitally important that our elected members of our Legislature are not open to public denouncement on the whim of a media member who, without first pursuing the necessary facts, raises a suspicion which is akin to serious issues in one or more other jurisdictions, knowing it will be scandal and embarrassment to the person involved.

We need the best members we can get and we must not put in their way a fear of baseless scandal and embarrassment brought on by immature and sensational oriented reporting. Our elected members give up a great deal to serve the people of this Province and should not be dishonoured to the public in any way without a sound basis of facts to support the matter or claim being made.

I am not using a “kill the messenger” approach but rather the approach that the “messenger bring the correct message”. Otherwise, over time, we will have fewer capable and desirable people offering to represent the public in a constituency to the detriment and loss of the whole Province.

The second question is, “Does my wife enjoy a personal benefit as a result of my living allowance for my leased premises in Halifax?” Again, my jurisdiction comes into question but if I do have any jurisdiction, my answer is decidedly, no.

It appears this question stems from the fact that she works in the Halifax area and therefore receives a “personal benefit” from the reimbursement. That is not a personal benefit to her as is contemplated by the House of Assembly Rules and Regulations and there is no merit to any suggestion that your wife is receiving a personal benefit arising in the circumstances here. Further, where she works is not necessarily a valuable consideration in determining your primary residence. You are the member and the determination of primary residence is based mainly on you.

Your third question is, "Is there any conflict in the rental agreement I have signed with Metro Harbour Link for my leased premises in Halifax?" Certainly this question is within my jurisdiction and again, based upon the facts you have provided, I can advise you that no conflict of interest exists. The rental from a company largely doing business in the Arichat area whose major owner is a personal friend does not constitute a conflict of interest where no evidence exists of any special favours sought or received from the Government of Nova Scotia in return for the lease from the time the lease was entered to the present day. Also the monthly rental for the property is in line with rentals for similar properties in similar areas in Halifax with no special favour or advantage to you.

Should you have any further questions, do not hesitate to contact this office.

Yours truly,

A handwritten signature in black ink, appearing to read 'D. Merlin Nunn'.

D. Merlin Nunn  
Commissioner

DMN:glS